

B) REMARKS

The Examiner issued a Restriction requirement under 35 U.S.C. §121 directed to claims 1 through 32, which are drawn to a method of producing a charged nonwoven filter, and claims 33 through 64, which are drawn to the charged nonwoven filter itself.

The Examiner issued the requirement on the grounds that "the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process."¹ In the instant case, the Examiner stated that "the claimed article may be made by first coating the individual fibers with the charge treatment and then blending the fibers into a sheet."²

The applicants respectfully submit that the Examiner is mistaken in the belief that the resin-charged nonwoven filter product of the present invention could be produced by first coating the individual fibers with the charge treatment and then blending the fibers into a sheet. Applicants submit that production of the filter product using this alternative method would not only be difficult to do, but would be much more expensive. Perhaps most importantly, however, coating of individual fibers with a charge treatment and then blending the fibers into a sheet would compromise the end product. That is, the additional handling of the individually-coated fibers following charge treatment would most likely affect charge stability and thereby change the performance characteristics of the end product. The handling of the individually-coated would expose them to static which is inherent in the machine handling of such materials, and particularly synthetics.

For example, applying a charge treatment to individual fibers in the first instance

¹ Office Action at p.2.

² Id.

would require a greatly enlarged physical area in which to allow the charge-treated individual fibers to be dried. Charging a final web of fiber is much easier to handle and substantially reduces the amount of physical space required to charge-treat the web. Thus, it would cost significantly more to produce the charged filter material in a fiber-by-fiber charging operation as compared to that of the present invention.

Additionally, it should be noted that the charge treatment given to the already-blended fibers, by design, imparts a given charge to the end product. The handling of synthetic fibers is known to create a certain amount of static in the individual fibers. In the case where individual fibers would be first charged, the amount of static then created in the individual fibers through handling, could alter the charge of the end product. Thus, charge stability would likely be compromised based upon what is known about the creation of static charges in the processing of synthetic fibers. Re-charging of the end product might be required if the final product did not provide desirable charge characteristics. This would obviously add cost to the product as well and possibly negate the reason for charging the individual fibers in the first place, as suggested.

Only the applicants had the ingenuity to provide the unique charged synthetic nonwoven filtration media of the present invention and the method for producing that media. For their wit and ingenuity, they are entitled to a patent. Reconsideration of the restriction requirement is respectfully requested.

Respectfully submitted,

By 

Joseph S. Helno

Reg. No. 31,524

DAVIS & KUELTHAU, s.c.

111 E. Kilbourn Ave., Ste. 1400

Milwaukee, WI 53202-1633

414.225.1452